

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Rene Alfaro,

Case No.: 2:21-cv-01265-APG-NJK

Petitioner,

## Order Dismissing Action

V.

[ECF No. 3]

Calvin Johnson,

Respondent.

This is a habeas corpus action under 28 U.S.C. § 2254. I directed petitioner Rene Alfaro to either file an application to proceed in forma pauperis or to pay the filing fee of \$5.00.<sup>1</sup> Alfaro has done neither within the allotted time. Consequently, I will dismiss the action.

Alfaro has filed two motions for appointment of counsel,<sup>2</sup> which I will deny because I am dismissing the action.

Reasonable jurists would not find my determination to be debatable or wrong, and I will not issue a certificate of appealability.

IT THEREFORE IS ORDERED that the motions for appointment of counsel (ECF No. 4, ECF No. 5) are **DENIED**.

IT FURTHER IS ORDERED that this action is **DISMISSED** for petitioner's failure to comply with the order (ECF No. 3) of the court. The clerk of the court is directed to enter judgment accordingly and to close this action.

IT FURTHER IS ORDERED that a certificate of appealability will not issue.

<sup>1</sup> ECF No. 3.

<sup>2</sup> ECF No. 4, ECF No. 5.

1 IT FURTHER IS ORDERED that that the clerk add Aaron Ford, Attorney General for  
2 the State of Nevada, as counsel for respondents.

3 IT FURTHER IS ORDERED that the clerk provide copies of this order and all prior  
4 filings to the Attorney General in a manner consistent with the clerk's current practice, such as  
5 regeneration of notices of electronic filing. No response by the Attorney General is necessary.

6 DATED this 7th day of September, 2021.

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9 ANDREW P. GORDON  
10 UNITED STATES DISTRICT JUDGE  
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